

# **CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT**

**August 24, 2018**



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## **OPERATIONS BRANCH Status Report and Work Activities**

### **Enforcement Section**

#### **1. CVFPB Enforcement Program**

Staff continues to process encroachment cases by Notices to Comply (NTC) or Notices of Violation (NOV). Status (since last month's report):

- Case being investigated for appropriate action: 7
- NTC/NOV being drafted for management review: 2
- NTC/NOV currently under management review: 0
- NTC/NOV mailed to landowner/responsible party: 4
- Working with landowner/responsible party to resolve encroachment issue (new and continued cases): 21
- Based on enforcement case, permit applications received: 0
- Cease & Desist Order being prepared: 3
- Cease & Desist Order mailed/ Board meeting scheduled: 0
- Notice to Proceed issued: 1
- Enforcement cases closed: 1

#### **2. Local Maintaining Agency Coordination**

Staff continues to coordinate with LMAs as more elect to participate in USACE System-Wide Improvement Framework (SWIF) program to regain eligibility for the Public Law (PL) 84-99 Program. A Letter of Intent (LOI) prepared by the LMA precedes the SWIF reports. Because USACE evaluates federal levees by system, it is possible for multiple LMAs to participate in the SWIF program together if their levees are part of the same system.

- **SWIF reports**

- Three levee systems have revised final draft SWIFs under review by USACE staff or under revisions by the LMAs. Lead LMAs include Reclamation District (RD) 1001, RD 1000, and Maintenance Area (MA) 9.

- **LOI reports**

- On July 27, 2018, the Board approved the LOI developed by RD 3. CVFPB staff will send the official transmittal to the USACE along with the LOI on behalf of RD 3. Upon approval from USACE Headquarters, the levee system will be considered active in PL 84-99.
- Three systems have draft LOIs under review by USACE staff or undergoing revision by the LMAs.

### **3. PL 84-99 Rehabilitation Assistance Status**

LMAs that are active in the PL 84-99 Program may request repair of flood risk reduction projects that were damaged due to flooding between January and March 2017. Rehabilitation assistance is being provided by USACE only when work is economically justifiable, the damage was sustained during the 2017 flood events, and the estimated cost of repairs is over \$15,000.

- USACE has identified 20 repair sites for repair in 2018 and 12 repair sites in 2019.
- CVFPB staff continues to participate in PL 84-99 coordination calls with USACE and DWR.
- CVFPB staff sent out six Local Assurance Agreements (LCAs) for signature for the twenty (20) 2018 repair sites. CVFPB staff has received three agreements (RD 70, RD 2035, and SRWSLD) and will continue to work with the LMAs to receive the other outstanding LCAs.

### **4. 2017 Storm Damage DWR Rehabilitation**

DWR is prioritizing identified damage sites that have not been approved by USACE because the damage site(s) or the levee system does not meet USACE criteria. DWR is working under existing emergency declarations and using the Standardized Emergency Management System process that will allow for possible FEMA reimbursement in the future. CVFPB staff is assisting with site inspections and priority review.

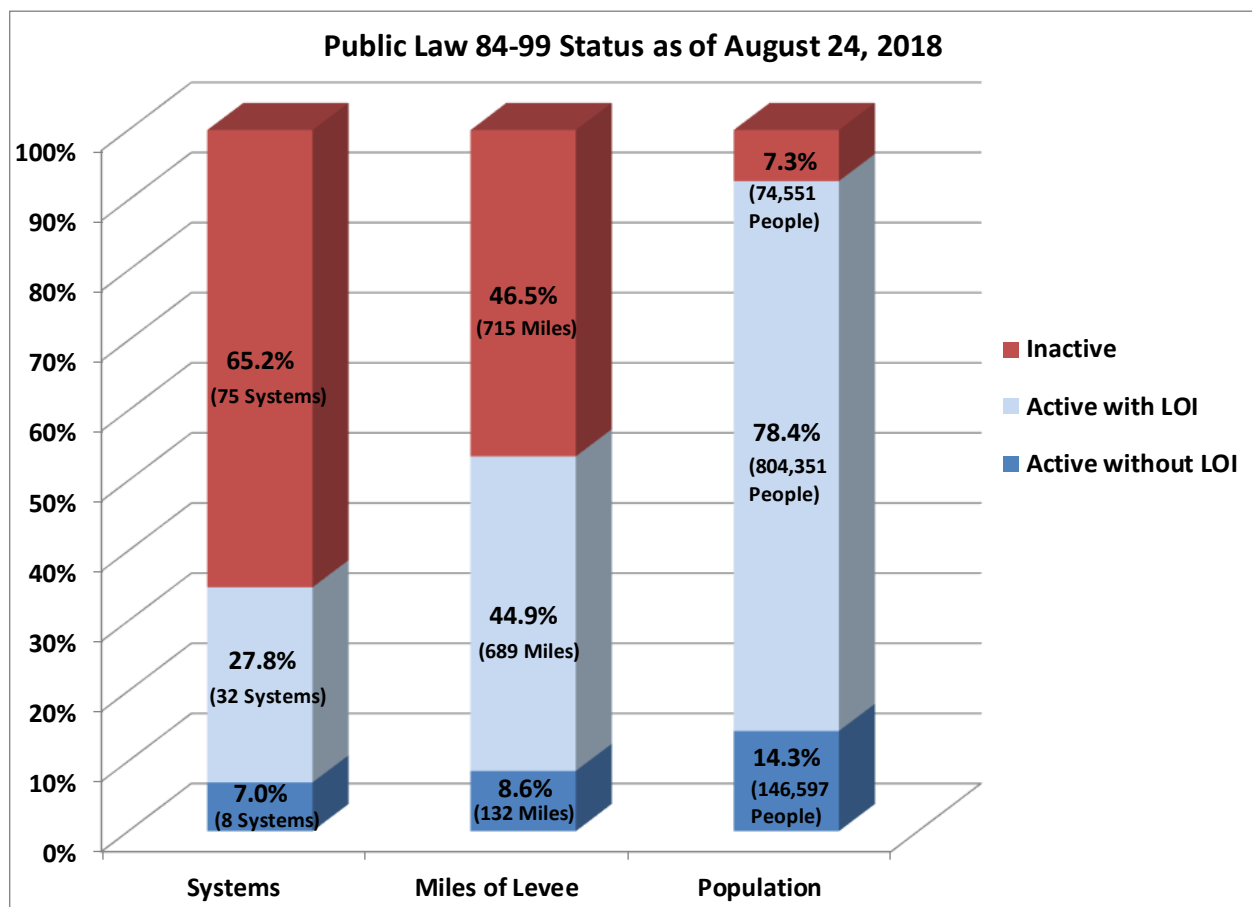
- CVFPB staff continues to participate in storm damage management update meetings with DWR.

CVFPB staff sent out 4 LCAs for signature for the nine 2018 repair sites on May 23<sup>rd</sup>. CVFPB staff has received three agreements (RD 2068, RD 349 and RD 150) to date and continues to work with the LMAs to receive the outstanding LCAs.

## 5. PL 84-99 Levee System Status

The data and chart below represent the most updated information about PL 84-99 Program eligibility as of August 24, 2018:

- Systems: 65.2% Inactive, 7.0% Active w/ out Letter of Intent (LOI), 27.8% Active w/ LOI
- Levee Miles: 46.5% Inactive, 8.6% Active w/ out LOI, 44.9% Active w/ LOI
- Population (urban): 7.3% Inactive, 14.3% Active w/ out LOI, 78.4% Active w/ LOI



## **6. Penalty Assessments**

Penalties will be proposed as part of the enforcement of unauthorized activities and encroachments in accordance with California Water Code (CWC) and California Code of Regulations, Title 23, Division 1, Waters (CCR Title 23). Penalties would only be imposed on respondents that are unwilling to voluntarily comply, and the penalty amount would be determined on a case-by-case basis.

## **7. Staff News**

Martin Janolo accepted a lateral position with DWR Operations and Maintenance Division. This position began advertising for recruitment on August 20, 2018.

## **Permitting Section**

### **1. Coordination Meetings**

CVFPB staff participates in monthly coordination meetings with DWR's Inspection Section and the USACE Flood Protection and Navigation Section (Section 408). The meetings focus on USACE inspections/re-inspections/levee screenings and CVFPB encroachment updates. DWR inspectors bring on-the-ground insight to the discussion. A brief overview of the items related to the Permitting Section are presented below.

- Deferred Maintenance Project (DMP):

DWR is seeking \$100 million this fall to complete the remaining 2017 Emergency Rehabilitation sites and to continue with the DMP effort. As noted last month, DWR will begin repairing pipes in Putah Creek and the Willow Slough Bypass this fall.

### **2. USACE Coordination**

Board Staff and Section 408 Staff are holding phone conferences weekly to discuss encroachment permit application priorities and to determine realistic timeframes for receiving the USACE Permission Letter.

Section 408 Staff are in the final stages of implementing a Categorical Permissions (CPs) category for proposed projects. These CPs will be similar to Nationwide Permits that are currently being used by USACE Regulatory. Proposed projects that fit within the established project descriptions will have shorter review times requiring only cursory technical and legal reviews potentially shortening the Permission Letter issuance process by six to eight weeks.

### **3. Outreach**

Board staff met with Sacramento Area Flood Control Agency (SAFCA) staff on July 16<sup>th</sup> to talk about the upcoming Sacramento River East Levee Project in the Pocket Area. Strategies were discussed on how to deal with permitted and un-permitted encroachments that are located within the project footprint.

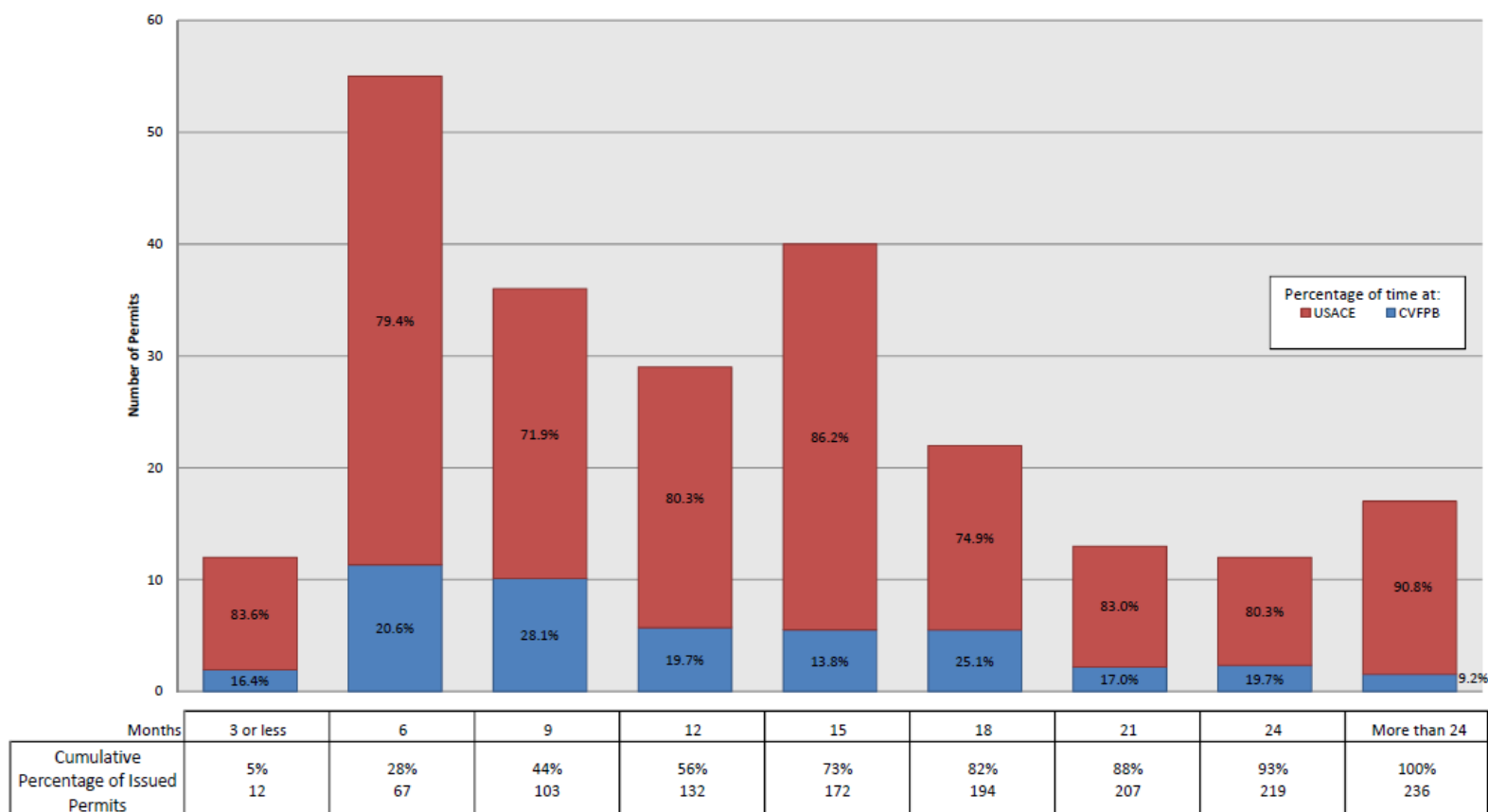
### **4. Staff News**

Thirty-six applications have been received for the two open positions in the Permitting Section. It is anticipated that the two open positions will be filled by September 1<sup>st</sup>.

### **5. Permitting Status Overview**

The following chart shows the average percentages of the total time an issued permit spends in review at the CVFPB and the USACE after the federal regulations changed on July 31, 2014.

Permit Review Process Timeline - August, 16 2014 to August 14, 2018



The table below provides a status breakdown for all Executive Officer Delegated Permits from January 2015 through August 2018. The numbers in this table reflect how many permits were posted to the CVFPB website, issued, etc. in each month.

Table 2: Executive Officer Delegated Permit Status

Month	Posted	Issued	With Enforcement	With Applicant	With USACE
January 2016	7	6	0	0	1
February	1	1	0	0	0
March	8	8	0	0	1
April	3	3	0	0	0
May	8	8	0	0	0
June	10	8	0	0	2
July	7	0	0	0	7
August	2	2	0	0	0
September	2	2	0	0	0
October	4	4	0	0	0
November	3	1	0	0	2
December	5	5	0	0	0
January 2017	4	1	0	0	3
February	4	4	0	0	0
March	3	3	0	0	0
April	1	1	0	0	0
May	3	0	0	0	3
June	4	4	0	0	0
July	4	3	0	0	1
August	2	2	0	0	0
September	3	3	0	0	0
October	3	3	0	0	0
November	7	7	0	0	0
December	1	1	0	0	0
January 2018	2	2	0	0	0
February	8	3	0	0	5
March	6	4	0	0	2
April	8	3	0	0	5
May	3	3	0	0	0
June	2	2	0	0	0
July	4	1	0	0	3
August	10	0	0	0	10
Totals	142	98	0	0	45

Additional information about Executive Officer Delegated Permits can be viewed on the CVFPB website@:<http://www.cvpfb.ca.gov/DelegatedPermitTab/index.cfm>. Spreadsheets for each month provide descriptive information about the proposed project and the CEQA findings.

## **Inspection Section**

### **1. Section News**

The section completed its final hire at the end of the previous month, bringing Alex Haston on board. Mr. Haston is a recent civil engineering graduate of UC Davis. Previously, Mr. Haston worked as an engineering intern for the USDA's Natural Resources Conservation Service, conducting field inspections with engineering staff. In his new role, Mr. Haston will be coordinating with landowners, contractors, local maintaining agencies, and internal staff to perform field inspections for new construction and routine inspections, and will process permit updates based on field conditions.

Site visits with the section chief as well as DWR's Flood Project Inspection Section are continuing for the next few months, as staff get more familiar with their assigned areas and gain knowledge of the unique flood control characteristics of each region. The section assisted the permitting and enforcement sections with verifications of field conditions in the MA9 and Sutter regions for outstanding permitting and enforcement items.

Staff are making contributions to build the section's capabilities and improve service delivery. First, a field input database to efficiently record notes and upload them to multiple database tracking systems is under development. A pilot version is planned to roll out for field testing and debugging this fall. Second, gate keys are being procured, copied, and tracked. Finally, staff are developing maps using our internal databases, ArcGIS, and other mapping software to geographically track our progress on completing field assignments.

### **2. Permit and Inspection Fee Implementation**

The rulemaking documents for fee implementation is ready to be presented by the section chief for the Board's approval this month after additional coordination work was completed this month. No substantial changes have been made to the rulemaking package from the previous month.

### **3. Deferred Maintenance Project**

The inspection section is continuing coordination with DWR's Flood Maintenance Office (FMO) for needed inspection activities and processing of permits associated with the Deferred Maintenance Project (DMP). Additional funding for DMP will allow FMO to complete pipe internal inspections and prioritize certain pipes for repair.